

REMARKS/ARGUMENTS

Claim Rejections

The Examiner rejected claims 11, 12, 32, and 36 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,796,059 to Boon (hereinafter "Boon"). Boon fails to teach or suggest the combination including "a casing at least partly encasing the control unit and at least partly encasing the pressure pad" as required by amended claim 11. The amendment of claim 11 does not narrow the scope of the claim, but further clarifies it.

As shown in Fig. 3 of Boon, covering 52 does not at least partly encase electronic control 58. Thus, claim 11 is believed to be in condition for allowance. Remove of the rejection and allowance of claim 11 is respectfully requested. Claims 12-15, 26, and 32-35 depend from claim 11 and are also believed to be in condition for allowance. Allowance of these claims is respectfully requested.

Boon fails to teach or suggest the combination including "a casing defining an interior, at least a portion of a control unit and at least a portion of a pressure pad being positioned in the interior of the casing" as required by amended claim 36. As shown in Fig. 3 of Boon, electronic control 58 is not positioned in an interior of covering 52. Remove of the rejection and allowance of claim 36 is respectfully requested. Claims 37-39 depend from claim 36 and are also believed to be in condition for allowance. Allowance of these claims is respectfully requested.

The Examiner rejected claims 7-10 as being unpatentable over U.S. Patent No. 5,494,046 to Cross (hereinafter "Cross") in view of Boon. Cross, alone or in combination with Boon, fails to teach the combined method including "providing a control unit in communication with the first and second switches to provide an alarm..." as required by amended claim 7. Remove of the rejection and allowance of claim 7 is respectfully requested. Claims 8-10 depend from claim 7 and are also believed to be in condition for allowance. Allowance of these claims is respectfully requested.

The Examiner rejected claim 40 under 35 U.S.C. 103(a) as being unpatentable over Boon. The Examiner has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of

success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.
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The Examiner recognizes that Boon fails to teach or suggest the combination of claim 40. Rather than providing the required suggestion or motivation to modify Boon, the Examiner criticizes the claimed combination for not modifying "the function of the device." Thus, the Examiner has not provided reason from the prior art for making the suggested modification to Boon.

Although not required by the claim, several functions are "modified" by providing "a case sealed around the control unit and the pressure sensor." One such modification is the increased ease of cleaning the overall device. Thus, even under the Examiner's logic provided in the official action, the claim is allowable. Removal of the rejection and allowance of claim 40 is respectfully requested. Claims 41-44 depend from claim 40 and are also believed to be in condition for allowance. Allowance of these claims is respectfully requested.

The Examiner rejected claim 28 under 35 U.S.C. 103(a) as being unpatentable over Boon. Boon fails to teach or suggest the combination including "a casing at least partly encasing the control housing and at least partly encasing the pressure pad" as required by amended claim 28. As shown in Fig. 3 of Boon, covering 52 does not at least partly encase electronic control 58. The amendment of claim 28 does not narrow the scope of the claim, but further clarifies it.

Furthermore, Boon fails to disclose the combination including "a control housing connected to and located adjacent to the pressure pad..." as required by claim 28. As shown in Fig. 3, electronic control 58 is spaced apart from the pressure pad, not connected to it or located adjacent to it. Thus, claim 28 is believed to be in condition for allowance. Remove of the rejection and allowance of claim 28 is respectfully requested.

Claim Allowance

The allowance of claims 17-20, 22, 24-25, 27, 29, and 31 is acknowledged with appreciation.

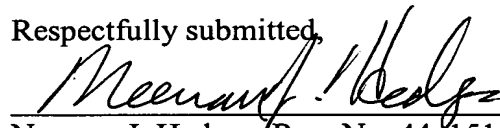
Final Remarks

Claims 7-44 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to effect a timely response. Please charge any additional fees or credits to the account of Baker & Daniels LLP Deposit Account No. 02-0390.

In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Norman J. Hedges", is written over a horizontal line.

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